

and take up Senate bill No. 20 on its second reading.

The motion prevailed.

The Chair then laid before the Senate, on its second reading,

Senate bill No. 20, A bill to be entitled "An Act to amend Article 1316, Chapter 12, Title XXX, of the Revised Civil Statutes of the State of Texas, and to require the judges of the district and county courts to prepare and read their charges to the jury before counsel shall argue to the jury, and to repeal all laws in conflict herewith,"

With the following committee substitute:

S. S. B. No. 20.] [By Committee.

A BILL

TO BE ENTITLED

An Act to amend Articles 1316 and 1319, Chapter 12, Title XXX, of the Revised Civil Statutes of the State of Texas, and to require judges of the district and county courts to prepare and read their charges to the jury before counsel shall argue the cause to the jury, and to require judges of the district and county courts to read and submit all special instructions to the jury before argument of counsel, and to repeal all laws in conflict herewith.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1316, Chapter 12, Title XXX, of the Revised Civil Statutes of the State of Texas, be and the same is hereby amended so as to hereafter read as follows:

"Article 1316. After the evidence in a cause has been heard and before the cause has been argued to the jury by counsel, the judge of the district or county court, as the case may be, shall in open court deliver a charge to the jury on the laws of the case, subject to the restrictions hereinafter provided."

Sec. 2. That Article 1319, Chapter 12, Title XXX, of the Revised Civil Statutes of the State of Texas, be and the same is hereby amended so as to hereafter read as follows:

"Article 1319. Either party may present to the judge, in writing, such instructions as he desires to be given to the jury, and the judge may give such instructions, or a part thereof, or he may refuse to give them, as he may see proper, and he shall read to the jury such of them as he may give; provided, that all special instructions authorized herein shall be presented to the judge before the reading of this general charge to the jury, and if approved by him

shall be submitted to the jury with his general charge."

Senator Faubian moved the adoption of the foregoing substitute.

The motion prevailed, and

Senator Hicks offered the following amendment:

"Amend Section 1 by adding after the word 'deliver,' in line 21, the words 'in writing.'"

The amendment was read and adopted.

Senator Hanger offered the following amendment:

"Amend the bill by striking out the word 'this,' in line 1, page 3, and inserting in lieu thereof the word 'his.'"

The amendment was read and adopted.

ADJOURNMENT.

On motion of Senator Mills, the Senate adjourned until 10 o'clock a. m. tomorrow.

ELEVENTH DAY.

Senate Chamber,
Austin, Tex., Wednesday, Jan. 28, 1903.

Senate met pursuant to adjournment.

Lieutenant Governor Geo. D. Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Decker.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Harbison.	Stafford.
Harper.	Willacy.
Henderson.	Wilson.

Absent.

Davidson of Hanger.
DeWitt.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday.

On motion of Senator Savage, the same was dispensed with.

EXCUSED.

On motion of Senator Grinnan, Senator McKamy was excused for non-attendance upon the Senate on Friday of

last week and Tuesday of this week on account of important business.

On motion of Senator Morris, Senator Perkins was excused for non-attendance upon the Senate on Wednesday and Thursday of last week and Tuesday of this week on account of important business.

On motion of Senator Harper, Senator Paulus was excused from attendance upon the Senate on yesterday on account of important business.

On motion of Senator Davidson of Galveston, Senator Davidson of DeWitt, was excused from attendance upon the Senate indefinitely on account of important business.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, January 27, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 19, A bill to be entitled "An Act to amend Article 3142 and to repeal Articles 3143 and 3144, Title LXII, Chapter 1, of the Revised Civil Statutes of the State of Texas, defining who are exempt from jury service,"

And find the same correctly engrossed.

PATTESON, Chairman.

Committee Room,
Austin, Texas, January 27, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Asylums to whom was referred

Senate bill No. 4, A bill to be entitled "An Act to create, establish and maintain a branch asylum or home for the care, treatment and support of white idiots and imbeciles of this State and to make an appropriation therefor,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, with the following amendments:

(1) "Amend by striking out the word 'white,' wherever it occurs in the bill and by adding at the close of Section 4, the following: 'Provided that separate apartments shall be kept for white and black inmates.'"

(2) "Amend the bill by striking out all of Section 3, and by inserting in lieu thereof the following: 'This institution shall be located by a board appointed by the Governor, consisting of one person from each Supreme Judicial District; provided the location shall be in

connection with one of the eleemosynary institutions of the State, at Terrell, San Antonio, Austin, or Abilene, Texas.'"

LIPSCOMB, Chairman.

Committee Room,
Austin, Texas, January 28, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 18, A bill to be entitled "An Act to render more effective and efficient the present road law of the State of Texas in its application and operation in the county of Wilbarger,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass.

FAULK, Chairman.

Committee Room,
Austin, Texas, January 28, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Roads, Bridges and Ferries to whom was referred

Senate bill No. 6, A bill to be entitled "An Act to create a more efficient road law for Henderson county, creating the office of county road superintendent, prescribing his qualifications and duties, providing for working county and State convicts and delinquent poll tax payers on public roads; rewards and penalties for escaped convicts; for the appointment and duties of road overseers, and fixing amount of their pay, and prescribing penalties against road overseers, hands, and road superintendents, and prescribing the duties of the county attorney and grand jury and district judge in seeing its provisions enforced, fixing width of public roads, and providing how they shall be worked, graded, etc., for the building of bridges, culverts, etc., by the lowest responsible bidder, the plan for which is furnished by the county superintendent, for the hiring of teams, tools and wagons by the county superintendent and overseers and relieving of hands by paying four dollars per annum, and for opening up through first class roads running east and west, and north and south through the county seat, and for the appropriating of the taxes collected in each commission precinct, fixing the ages of persons liable to work on the roads, provide for the levy of a road and bridge tax and issuance of bonds for road and bridge purposes and fixing the bonds of

the county superintendent and road overseers, and the penalties to be recovered in case of a breach thereof, and providing that in cases where there is a conflict in this and the General Laws of the State, this supersedes the general law and where there is no conflict the general law still remains in force."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

FAULK, Chairman.

BILLS AND RESOLUTIONS.

By Senator Wilson:

Senate bill No. 84, A bill to be entitled "An Act making appropriations for the support of the State Government for two years beginning September 1, 1903, and ending August 31, 1905, and for other purposes.

Read first time, and referred to Committee on Finance.

By Senator Harbison:

Senate bill No. 85, A bill to be entitled "An Act to authorize the Missouri, Kansas and Texas Railway Company of Texas, organized and existing under the laws of the State of Texas, to purchase or lease the railroad and properties of the Denison and Washita Valley Railway Company, organized and existing under the laws of the State of Texas, in Grayson county, Texas, together with the franchises and appurtenances pertaining thereto, and to lease or own and operate and maintain the same as a part of its line, and vesting said companies and each of them with the power to make and execute all necessary contracts and agreements and conveyances to effect such sale or lease, and also to authorize the Dennison and Washita Valley Railway Company to sell or lease all or any part of its railroad and property in the Indian Territory to the Missouri, Kansas and Texas Railway Company, a corporation organized and existing under the laws of the State of Kansas, or the Texas and Oklahoma Railroad Company, a corporation organized and existing under the laws of the Territory of Oklahoma or either of them.

Read first time, and referred to Committee on Internal Improvements.

By Senator Paulus:

Senate bill No. 86, A bill to be entitled "An Act to prescribe a punishment for pawnbrokers who shall purchase articles from minors or accept as collateral security from minors any article of value.

Read first time, and referred to Judiciary Committee No. 2.

By Senator Faubion:

Senate bill No. 87, A bill to be entitled "An Act to authorize the Missouri, Kansas and Texas Railway Company of Texas to purchase the railroad, as completed or partially completed and in course of construction, of the Granger, Georgetown, Austin and San Antonio Railway Company between Granger, in Williamson county, and Austin, in Travis county, together with the properties, franchises and appurtenances pertaining thereto, and to own, complete and construct the unfinished parts thereof between Granger and Austin, and operate and maintain the same as a part of its line, with the right to extend the same and construct branches therefrom, by amendment of its charter under the General Laws of the State of Texas, and vesting said companies, and each of them, with the power to make and execute all necessary contracts and agreements and conveyances to effect such purchase and sale."

Read first time, and referred to Committee on Internal Improvements.

By Senator Sebastian:

Senate bill No. 88, A bill to be entitled "An Act to amend Chapter 7, Title CII, of the Revised Statutes of the State of Texas, 1895, by adding thereto Articles 5043n, 5043p, and 5043q."

Read first time, and referred to Committee on Stock and Stock Raising.

By Senator Hale:

Senate bill No. 89, A bill to be entitled "An Act to transfer the counties of Bastrop, Burleson, Lee and Washington from the community school system to the district school system, and directing the commissioners courts of the said counties to subdivide them into convenient school districts."

Read first time, and referred to Committee on Educational Affairs.

By Senator Brachfield:

Senate bill No. 90, A bill to be entitled "An Act to provide a charter for the city of Marshall, Harrison county, Texas, defining its boundaries, providing offices and prescribing their duties and powers; creating a corporation court and defining its powers and jurisdiction, and declaring an emergency."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Stafford:

Senate bill No. 91, A bill to be entitled "An Act to amend Article 4367, of Chapter 3, Title XCIV, of the Revised Civil Statutes of the State of Texas, regulating the place where railroad companies chartered by this State, shall keep and permanently maintain their general offices; also regulating the place where

they shall keep and maintain their machine shops and round houses, and providing an adequate remedy in case the same shall be removed without the authority of law."

Read first time, and referred to Committee on Internal Improvement.

By Senator Stafford:

Senate bill No. 92, A bill to be entitled "An Act to provide for the holding of two additional terms of the district court in Smith county and to prescribe the time for holding the same."

AND ALSO TO AMEND

Section 7, Article 22, Title IV, of the Revised Civil Statutes of the State of Texas, changing the time of holding the district court in Smith, Van Zandt, Wood and Upshur counties, and repeal all laws and parts in conflict herewith.

Read first time, and referred to Committee on Judicial Districts.

By Senator Hale:

Senate bill No. 93, A bill to be entitled "An Act to amend Articles 643, 644, and 647 and 654, of the Code of Criminal Procedure, Revised Statutes of Texas, of 1895."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Paulus:

Senate bill No. 94, A bill to be entitled "An Act to amend Chapter 153, of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-fifth Legislature, and amended at the Regular Session of the Twenty-sixth and Twenty-seventh Legislatures, entitled 'An Act to prohibit the taking of fish from the fresh waters and streams of this State otherwise than by means of the ordinary hook and line and trot line, and to prohibit the sale or shipping of game fish in this State, and to provide penalties for the violation thereof, by exempting the county of Stephens and other counties from the provisions of this act.'"

Read first time, and referred to Judiciary Committee No. 1.

By Senator Harper:

Senate bill No. 95, A bill to be entitled "An Act to require all railroads in this State to thoroughly disinfect their passenger coaches, in the interest of public health."

• Read first time, and referred to Committee on Public Health.

By Senator Mills:

Senate bill No. 96, A bill to be entitled "An Act to amend Article 1767, Chapter 6, Title XXXVI, of the Revised Statutes of Texas (1895)."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Hale:

Senate bill No. 97, A bill to be entitled "An Act to regulate the salaries paid to the principals of the three State normal schools located at Huntsville, Denton and San Marcos respectively; authorizing the State Board of Education to fix the salaries of the teachers of the said normal schools, and repealing all conflicting laws and parts of laws."

Read first time, and referred to Committee on Education.

By Senator Faust:

Senate bill No. 98, A bill to be entitled "An Act to amend Article 318 of the Revised Civil Statutes of the State of Texas, so as to abolish the days of grace on negotiable instruments."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Lipscomb:

Senate bill No. 99, A bill to be entitled "An Act to be entitled an act to amend Chapter 170 of the Acts of the Twenty-fifth Legislature, entitled, 'An Act to create a Judicial District in Harris county, additional to the Eleventh District therein, to be the Fifty-fifth Judicial District, to establish a court and provide a judge and clerk of said new district, and to regulate the venue of the courts of said respective districts and the disposition of the business therein, and define the jurisdiction and boundaries and terms thereof,' so as to create an additional district court in Harris county, to be known as the Fifty-ninth Judicial District, and to provide for the organization thereof, and to regulate the conduct and disposition of business therein, and to provide for filling a vacancy in the office of clerk of said court."

Read first time, and referred to Committee on Judicial Districts.

By Senator Decker:

Senate bill No. 100, A bill to be entitled "An Act to authorize county and district attorneys to bring suit for recovery of school lands on relation of actual settlers; to prescribe limitations for bringing such suits and validating titles where suits are not brought within six months, and declaring an emergency."

Read first time, and referred to Committee on Public Lands and Land Office.

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, January 28, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to

inform the Senate that the House has passed the following bills:

House bill No. 14, A bill to be entitled "An Act providing for the extension of the corporate limits of any town or village incorporated for free school purposes only."

House bill No. 8, A bill to be entitled "An Act to aid the city of Galveston in elevating and raising said city so as to protect it from calamitous overflows, by donating and granting to it the State ad valorem taxes, and a part of the occupation and poll taxes, collected on property and from persons in Galveston county for a period of fifteen (15) years, and to provide a penalty for their misapplication."

BOB BARKER,
Chief Clerk, House of Representatives.

COMMITTEE REPORTS.

By unanimous consent the following committee reports were offered:

Committee Room,
Austin, Texas, January 27, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 78, A bill to be entitled "An Act to amend Article 2982, Chapter 4, Title LV, of the Revised Statutes of the State of Texas of 1895,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass* with the following amendment:

"Amend by striking out the following: 'Provided, however, that the party against whom the divorce is rendered shall only be divorced from bed and board.'"

STAFFORD, Acting Chairman.

Committee Room,
Austin, Texas, January 27, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 70, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the county court of Sutton county; to conform the jurisdiction of the district court thereto, and to repeal all laws in conflict therewith,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

STAFFORD, Acting Chairman.

Committee Room.

Austin, Texas, January 27, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 71, A bill to be entitled "An Act for the relief of railway corporations and belt and suburban railway companies having charters granted or amended since the first day of January, 1887, and which have failed or about to fail to construct their roads and branches, or any part thereof, within the time required by law,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

STAFFORD, Acting Chairman.

Committee Room.

Austin, Texas, January 27, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 56, A bill to be entitled "An Act to provide for and regulate the granting of license to practice as attorneys and counselors at law in all the courts of the State of Texas, and to repeal all laws in conflict therewith,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

STAFFORD, Acting Chairman.

Committee Room,

Austin, Texas, January 27, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 67, A bill to be entitled "An Act to amend Article 4340, of Title XCII, of the Revised Civil Statutes of Texas, relating to declaring quarantine in counties and cities, and maintaining and paying the expenses of the same,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

STAFFORD, Acting Chairman.

Committee Room,

Austin, Texas, January 27, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 26, A bill to be entitled "An Act to amend Chapter 17, Title XXI, Revised Statutes of the State of

Texas, by adding thereto Article 748a, and providing for the cancellation of permits to do business in Texas granted to non-resident corporations, and preventing issuance of permits to offending corporations."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass.

STAFFORD, Acting Chairman.

Committee Room,
Austin, Texas, January 27, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 80, A bill to be entitled "An Act to amend Article 3139 of the Revised Civil Statutes of the State of Texas, and Articles 393, 394, 667 and 673, of the Code of Criminal Procedure of the State of Texas, relating to the qualifications of jurors,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, and that the bill be not printed.

STAFFORD, Acting Chairman.

MAJORITY REPORT.

Committee Room,
Austin, Texas, January 27, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 47, A bill to be entitled "An Act to prescribe a period of limitation within which persons claiming the right to purchase or lease public free school, State university and asylum lands heretofore or hereafter sold or leased to others shall bring his suit therefor,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do not* pass, but that committee substitute bill *do* pass.

STAFFORD, Acting Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, January 27, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: A minority of your Judiciary Committee No. 1, to whom was referred Senate bill No. 47, A bill to be entitled "An Act to prescribe a period of limitation within which persons claiming the

right to purchase or lease public free school, State university and asylum lands heretofore or hereafter sold or leased to others shall bring his suit therefor,"

Do not concur with the report of the majority and beg to recommend that it *do not* pass.

GRINNAN.

Committee Room,
Austin, Texas, January 27, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 40, A bill to be entitled "An Act to declare and define the effect of a conveyance of real estate whereby the deed or other instruments a lien for the purchase money or a part thereof is expressly retained,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do not* pass.

STAFFORD, Acting Chairman.

Committee Room,
Austin, Texas, January 27, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 34, A bill to be entitled "An Act to provide for the cancellation of judgments, and all liens on real estate, and the assignment thereof,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass.

STAFFORD, Acting Chairman.

Committee Room,
Austin, Texas, January 27, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Finance, to whom was referred

House bill No. 145, A bill to be entitled "An Act to provide for the extension of time for the payment of State and county ad valorem and poll taxes for the year 1902-1903 in Nacogdoches, Burleson, Brazos, Washington, Burnet, Colorado and Zapata counties; providing for an extension for the penalty of 10 per cent. on such taxes to attach on the first of March, 1903,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, and we further recommend that it be not printed.

WILSON, Chairman.

RESOLUTIONS.

By Senator Harper:

Senate Joint Resolution No. 6, To amend the Constitution of the State of Texas by adding Article 12a thereto, which said Article shall be divided into sections 1, 2, 3, 4, 5, 6 and 7.

Read first time, and referred to Committee on Constitutional Amendments.

By Senator Decker:

Senate Concurrent Resolution No. 3, Whereas, There is a question as to the sufficiency of the caption to Senate bill No. 17, which has finally passed the Senate and House and is now in the hands of the Governor; therefore, be it

Resolved by the Senate, the House concurring, That the Governor be requested to return said bill to the Senate for correction.

Read second time, and adopted.

By Senator Douglass:

Whereas, The duties of the Committee on Asylums and the Committee on Public Health in many instances pertain to questions of the same nature; therefore, be it

Resolved, That the Chairman of the Committee on Asylums, Senator Lipscomb, be added to the Committee on Public Health.

Resolution read second time, and adopted.

Senator Faulk moved that 300 copies of Senate bill No. 62 (General Road Law Bill), be printed.

The motion prevailed and the bills were ordered printed.

HOUSE BILLS REFERRED.

The Chair had read and referred the following House bills after their captions had been read:

House bill No. 8, A bill to be entitled "An Act to aid the city of Galveston in elevating and raising said city so as to protect it from calamitous overflows, by donating and granting to it the State ad valorem taxes, and a part of the occupation and poll taxes, collected on property and from persons in Galveston county for a period of fifteen (15) years, and to provide a penalty for their misapplication."

(The bill declares an emergency.)

Read first time, and referred to Judiciary Committee No. 1.

House bill No. 14, A bill to be entitled "An Act providing for the extension of the corporate limits of any town or village incorporated for free school purposes only."

Read first time, and referred to Committee on Education.

House bill No. 36, A bill to be entitled

"An Act to amend Article 5080, Chapter 2, Title CIV, of the Revised Civil Statutes of the State of Texas, by adding a new article to be known as Article 5080a."

(The bill requires banks to render for taxation their surplus and undivided profits.)

Read first time, and referred to Judiciary Committee No. 1.

Morning call concluded.

SPECIAL ORDER—TERM DRAWING.

In accordance with the following resolution, adopted on January 13, the Senate proceeded with the drawing for terms:

Resolved, That Thursday, the 22nd day of January, 1903, after the morning call be set aside as a time for the members of the Senate to determine by lot the length of their term in accordance with the constitutional provision concerning the same, and that the same shall be determined by lot as follows:

Thirty-one slips of paper, of uniform size and color, shall be placed in a hat, on fifteen of which shall be written "two years" and on sixteen of which shall be written "four years," and thirty-one slips of paper, of uniform size and color, shall be placed in another hat, on each of which shall be written the name of a Senator, all of said slips being well mixed. The Sergeant-at-Arms shall draw a name from one hat and at the same time the Secretary of the Senate shall draw a slip specifying the term from the other hat, and the name and the term so drawn shall be read and recorded, and the terms shall be thereby determined and fixed. All of which shall be done at the Secretary's desk, the Senators and all officers and employees retiring behind the bar.

On Thursday, January 22, on motion of Senator Hanger, the above resolution was postponed until Wednesday, January 28.

DRAWING FOR LENGTH OF TERMS.

Senator Beaty drew four years.

Senator Brachfield drew four years.

Senator Cain drew two years.

Senator Davidson of DeWitt drew four years.

Senator Davidson of Galveston drew four years.

Senator Decker drew four years.

Senator Douglass drew two years.

Senator Faubion drew two years.

Senator Faulk drew four years.

Senator Faust drew two years.

Senator Grinnan drew two years.

Senator Hale drew four years.

Senator Hanger drew four years.

Senator Harbison drew two years.
 Senator Harper drew two years.
 Senator Henderson drew two years.
 Senator Hicks drew four years.
 Senator Hill drew four years.
 Senator Lipscomb drew two years.
 Senator Martin drew four years.
 Senator McKamy drew four years.
 Senator Mills drew two years.
 Senator Morris drew two years.
 Senator Patteson drew two years.
 Senator Paulus drew four years.
 Senator Perkins drew two years.
 Senator Savage drew two years.
 Senator Sebastian drew two years.
 Senator Stafford drew four years.
 Senator Willacy drew four years.
 Senator Wilson drew four years.

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, January 28, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following:

House Concurrent Resolution No. 7,
Relative to purchasing a site for the U. S. navy yard at head of Galveston bay.

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives.

EXECUTIVE SESSION.

The Chair announced that the hour of 11 o'clock a. m. had arrived for the Senate to go into executive session for the purpose of considering the appointments of the Governor received yesterday, and accordingly the chamber was cleared.

AFTER EXECUTIVE SESSION.

In executive session the following confirmations were had:

Board of Penitentiary Commissioners—L. M. Openheimer, of Travis county; S. M. Fry, of Tarrant county; and J. L. Ellison, of Caldwell county.

Board of Pardon Advisers—Henry E. Shelley, of Travis county; and J. N. English, of Johnson county.

Board of Managers of the North Texas Lunatic Asylum—John L. Terrell, J. S. Grinnan, B. L. Gill, W. A. Brooks, and Geo. E. Kelley, all of Kaufman county.

Board of Managers of the State Lunatic Asylum—David Harrell, R. P. Bull, C. H. Miller, and R. W. Finley, of Travis county, and A. W. Carpenter, of Williamson county.

Board of Managers of the Southwest Texas Lunatic Asylum—Homer Eads, A. C. McDaniel, P. H. Swearingen, John W. Kokernut, and Frank H. Bushick, all of Bexar county.

Board of Trustees of the Deaf and Dumb Asylum—I. P. Lockridge, Joe Koen, J. A. French, John E. Shelton, and C. A. Taylor, all of Travis county.

Board of Trustees of the Blind Asylum—K. C. Walker, O. D. Parker, W. G. Bell, W. H. Richardson, Jr., and Sidney Nolan, all of Travis county.

Board of Trustees of the Deaf, Dumb and Blind Asylum for Colored Youths—R. M. Thomson, Chas. Stephenson, W. H. Cullen, Hermann Pressler, and J. W. Graham, all of Travis county.

Board of Managers of the Confederate Home—E. P. Raynolds, of Hays county; A. W. McIver, of Burleson county; and W. H. Richardson, Val C. Giles and W. C. Walsh, of Travis county.

Board of Regents of the State University—T. S. Henderson, of Milam county; Geo. W. Brackenridge, of Bexar county; F. M. Spencer, of Galveston county; T. W. Gregory, of Travis county; Beauregard Bryan, of El Paso county; J. N. Browning, of Potter county; Ben B. Cain, of Smith county; and H. M. Chapman, of Tarrant county.

Board of Regents of the Texas Industrial Institute and College for the Education of White Girls of the State of Texas in the Arts and Sciences—Birdie R. Johnson, of Smith county; Clarence C. Ousley, of Galveston county; Helen M. Stoddard, of Tarrant county; A. P. Wooldridge, of Travis county; John A. Hann, of Denton county; M. Eleanor Brackenridge, of Bexar county; and Rosser Thomas, of Fannin county.

Commissioners of Pilots at Galveston—J. A. Robertson, John Young, Robert Bornfeld, J. M. O. Menard, Chas. Clark, Sr., all of Galveston county.

Commissioners of Pilots at Sabine Pass—R. A. McReynolds, W. H. Gilliland, Gus Higby, J. R. Adams, J. L. Megathlin, all of Jefferson county.

Commissioners of Pilots at Brazos de Santiago—Frank Champion, Jose Celaya, Thomas Carson, Joseph Champion, W. E. Wren, all of Cameron county.

EXECUTIVE MESSAGE.

EXECUTIVE OFFICE,
STATE OF TEXAS.

Austin, January 28, 1903.

To the Senate:

The advice and consent of the Senate is asked to the appointment of D. T. Averitt, of Coke county, as district attorney of the Fifty-first Judicial District, vice D. D. Wallace, deceased.

S. W. T. LANHAM,
Governor.

On motion of Senator Stafford, at the conclusion of the morning call tomorrow was designated as the time at which

the Senate would go into executive session to act upon the foregoing appointment.

PENDING BUSINESS.

The Chair then laid before the Senate, on second reading, pending business,

Substitute Senate bill No. 20, A bill to be entitled "An Act to amend Articles 1316 and 1319, Chapter 12, Title XXX, of the Revised Civil Statutes of the State of Texas, and to require judges of the district and county courts to prepare and read their charges to the jury before counsel shall argue the cause to the jury, and to require judges of the district and county courts to read and submit all special instructions to the jury before argument of counsel, and to repeal all laws in conflict herewith."

The bill was read second time, and ordered engrossed.

PENDING BUSINESS—SENATE BILL NO. 12.

The Chair then laid before the Senate, on its second reading, pending business,

Senate bill No. 12, A bill to be entitled "An Act to amend Article 605, Title XV, Chapter 3, of the Penal Code of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, 1895, relating to assaults to commit some other offense, by fixing the punishment for assault with intent to commit murder, and repealing all laws in conflict therewith."

On motion of Senator Stafford, the pending business (Senate bill No. 12), was suspended, and the Senate took up out of its order,

Senate bill No. 80, A bill to be entitled "An Act to amend Article 3139 of the Revised Civil Statutes of the State of Texas, and Articles 393, 394, 668 and 373 of the Code of Criminal Procedure of the State of Texas, relating to the qualification of jurors."

On motion of Senator Stafford, the Senate rule requiring committee reports to lay over for one day, was suspended, for the purpose of placing the bill on its second reading.

Bill read second time, and ordered engrossed.

On motion of Senator Stafford, the constitutional rule requiring bills to be read on three several days, was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Beaty.	Davidson of
Brachfield.	Galveston.
Cain.	Decker.

Douglass.	Martin.
Faubion.	McKamy.
Faulk.	Mills.
Faust.	Morris.
Grinnan.	Patteson.
Hale.	Paulus.
Harbison.	Savage.
Harper.	Sebastian.
Henderson.	Stafford.
Hicks.	Willacy.
Hill.	Wilson.
Lipscomb.	

Nays—1.

Perkins.

Absent—Excused.

Davidson of	Hanger.
DeWitt.	

The bill was read third time, and passed by the following vote:

Yeas—27.

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Decker.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Savage.
Grinnan.	Sebastian.
Hale.	Stafford.
Harper.	Willacy.
Henderson.	Wilson.

Nays—1.

Perkins.

Absent.

Harbison.

Absent—Excused.

Davidson of	Hanger.
DeWitt.	

Senator Stafford moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion prevailed.

(Senator Stafford in the chair.)

The Chair laid before the Senate, on second reading, pending business, Senate bill No. 12 (see caption above), and,

SPECIAL ORDER—SENATE BILL NO. 42.

On motion of Senator Beaty, pending business (Senate bill No. 12), was suspended, and the Senate took up out of its order,

Senate bill No. 42, A bill to be entitled "An Act to authorize the International & Great Northern Railroad Company to purchase, own and operate as a part or parts of its line the railroad constructed, or to be constructed, of the Houston,

Beaumont & New Orleans Railroad Company, and also the railroad constructed or to be constructed, of the Houston, Oaklawn & Magnolia Park Railway Company, or either of them, as defined in their respective charters, together with all franchises and property, incident or appertaining to said railroads or either of them, and to authorize said Houston, Beaumont & New Orleans Railroad Company, and said Houston, Oaklawn & Magnolia Park Railway Company each to sell its railroad as defined by its charter, together with all franchises and property, incident or appertaining thereto, to said International & Great Northern Railroad Company; and to authorize said International & Great Northern Railroad Company to issue and negotiate its bonds secured, or to be secured, by mortgage or mortgages, subject to the laws of the State of Texas governing the issuance and negotiation of bonds by railroad companies; and to authorize said International & Great Northern Railroad Company to construct, own and operate, as a part or parts of its lines, extensions and branches of said railroads, or either of them, under or as authorized by said railroad company, or any amendment thereof, made or to be made in pursuance of general laws of the State of Texas; to regulate reports relative to the railroads, franchises and property, authorized by this act; to be purchased and sold, and the operation thereof, and to prescribe the conditions upon which said purchases and sales shall take effect and be dependent; and to authorize said companies and each of them to execute all necessary contracts, agreements and conveyances to accomplish said purchases and sales."

The Chair then laid before the Senate, on its second reading and passage to engrossment, Senate bill No. 42.

Bill read second time, and ordered engrossed.

On motion of Senator Beaty, same was made special order for tomorrow after the conclusion of morning call.

HOUSE MESSAGE.

House of Representatives,
Austin, Texas, January 28, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 21, A bill to be entitled "An Act to amend Article 351 of the Revised Penal Code of the State of Texas of 1895, relating to the crime of incest, amending the statute so as to legalize

the marriage of a step-daughter to a step-father."

House bill No. 145, A bill to be entitled: "An Act to provide for the extension for the payment of State and county ad valorem and poll taxes for the year 1902-1903, in Nacogdoches, Burleson, Brazos, Washington, Burnet, Colorado and Zapata counties; providing for an extension for the penalty of 10 per cent. on such taxes to attach on the 1st of March, 1903."

Senate Concurrent Resolution No. 3, Relating to requesting the Governor to return Senate bill No. 17 for correction.

BOB BARKER,

Chief Clerk, House of Representatives.

HOUSE BILLS REFERRED.

The Chair had read and referred the following House bills after their captions had been read:

House bill No. 21, A bill to be entitled: "An Act to amend Article 351, of the Penal Code of the State of Texas, of 1895, relating to the crime of incest."

(The bill changes the language of Article 351 by omitting the words "after the death of her mother" and after the death of her daughter" wherever they occur.)

Read first time, and referred to Judiciary Committee No. 2.

House bill No. 145, A bill to be entitled: "An Act to provide for the extension of time for the payment of State and county ad valorem taxes, in Nacogdoches county for the year 1902 to 1903; providing for an extension for the penalty of ten per cent. on such taxes to attach on the first of March, 1903."

Read first time, and referred to Committee on Finance.

On motion of Senator Faubion, pending business (Senate bill No. 12), was suspended, and the Senate took up, out of its order,

Senate bill No. 20 (See caption above).

The Chair then laid before the Senate, on its third reading,

Senate bill No. 20, and

On motion of Senator Faubion, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading, and final passage by the following vote:

Yeas—25.

Beaty.	Faust.
Cain.	Hale.
Davidson of	Harbison.
Galveston.	Harper.
Decker.	Hicks.
Douglass.	Hill.
Faubion.	Lipscomb.
Faulk.	Martin.

McKamy.	Perkins.
Mills.	Savage.
Morris.	Sebastian.
Patteson.	Stafford.
Paulus.	Wilson.

Present—Not voting.

Brachfield.	Henderson.
Grinnan.	

Absent.

Willacy.

Absent—Excused.

Davidson of	Hanger.
DeWitt.	

Bill was read third time, and passed.
 Senator Faubion moved to reconsider
 the vote by which the bill was passed
 and lay that motion on the table.
 The motion prevailed.

REGULAR ORDER.

The Chair then laid before the Senate,
 on its second reading, and passage
 to engrossment,

Senate bill No. 21, A bill to be entitled
 "An Act to exterminate prairie dogs in
 Texas by allowing citizens in counties to
 vote a tax upon themselves for the pur-
 pose of this act; providing means of ex-
 termination, and declaring an emer-
 gency."

Bill was read second time, and or-
 dered engrossed, and,

On motion of Senator Savage the bill
 was laid on the table subject to call.

SENATE BILL NO. 25.

The Chair then laid before the Senate,
 on its second reading and passage to
 engrossment,

Senate bill No. 25, A bill to be entitled
 "An Act to prescribe the time within
 which statement of facts and bills of ex-
 ception may be filed in causes tried in
 the district and county courts of Texas,"

With the following committee amend-
 ment:

"Amend by striking out the words
 bills of exception' wherever it is
 found, both in the caption and the bill."

On motion of Senator Faubion, the
 committee amendment was adopted.

The bill was then read second time,
 and ordered engrossed.

On motion of Senator Perkins, pending
 business (Senate bill No. 12), was sus-
 pended, and the Senate took up out of
 its order, House bill No. 145. (See cap-
 tion in House Message of today's Jour-
 nal.)

Senator Perkins moved to suspend the
 Senate rule requiring committee reports
 to lay over for one day.

The motion prevailed.

* On motion of Senator Perkins, the con-
 stitutional rule requiring bills to be
 read on three several days was suspend-
 ed, and the bill put on its second reading
 by the following vote:

Yeas—27.

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	McKamy.
Galveston.	Mills.
Decker.	Morris.
Douglass.	Patteson.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Hale.	Sebastian.
Harbison.	Stafford.
Harper.	Willacy.
Henderson.	Wilson.

Present—Not voting.

Grinnan.

Absent.

Martin.

Absent—Excused.

Davidson of	Hanger.
DeWitt.	

Bill was then read second time, and
 passage to a third reading.

On motion of Senator Perkins, the con-
 stitutional rule requiring bills to be
 read on three several days, was suspend-
 ed, and the bill put on its third reading
 and final passage by the following vote:

Yeas—25.

Beaty.	Hicks.
Brachfield.	Hill.
Davidson of	Lipscomb.
Galveston.	McKamy.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Harbison.	Stafford.
Harper.	Willacy.
Henderson.	Wilson.

Absent.

Cain.	Martin.
Decker.	Mills.

Absent—Excused.

Davidson of	Hanger.
DeWitt.	

Bill was read third time, and passed
 by the following vote:

Yeas—27.

Beaty.	Davidson of
Brachfield.	Galveston.
Cain.	Douglass.

Faubion.	McKamy.
Faulk.	Mills.
Faust.	Morris.
Grinnan.	Patteson.
Hale.	Paulus.
Harbison.	Perkins.
Harper.	Savage.
Henderson.	Sebastian.
Hicks.	Stafford.
Hill.	Willacy.
Lipscomb.	Wilson.

Absent.

Decker. Martin.

Absent—Excused.

Davidson of Hanger.
DeWitt.

SUBSTITUTE HOUSE BILL NO. 28 SIGNED.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read,

Substitute House bill No. 28, "An Act to reorganize the Fifteenth and Fortieth Judicial Districts of Texas, and to create the Fifty-ninth Judicial District of Texas; to name the counties composing each of said districts; to prescribe the time of holding the terms of the district court in each of said districts; to provide for the extension and return of process issued out of the said court; empowering the judge of the Fifteenth Judicial District to empanel the grand jury for Grayson county, and giving authority to the judges of either the Fifteenth or Fifty-ninth Judicial District in Grayson county to transfer cases from their respective courts to the other of said courts; and to validate all writs, process and bonds, civil and criminal, issued or executed up to the time this act takes effect by or from the district courts of the several counties named in this act, and to provide for the appointment of a district judge for the Fifty-ninth Judicial District, and declaring an emergency."

SENATE BILL NO. 41.

Senator Savage moved that the Senate rescind its action of yesterday by which the motion to reconsider the vote on the final passage of Senate bill No. 41 was laid on the table.

The motion prevailed, and

On motion of Senator Patteson, the vote by which Senate bill No. 41 was finally passed was reconsidered.

Senator Patteson then offered the following amendment to the bill as already amended:

"Amend Article 1804e by striking out

the word 'incontested' and substituting therefor the word 'contested.'"

The amendment was read and adopted.

Bill was read third time, and passed by the following vote:

Yeas—26.

Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	McKamy.
Galveston.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Harbison.	Stafford.
Harper.	Willacy.
Henderson.	Wilson.
Hicks.	

Absent.

Beaty. Martin.
Decker.

Absent—Excused.

Davidson of Hanger.
DeWitt.

ADJOURNMENT.

On motion of Senator Douglass, the Senate, at 12:35 p. m., adjourned until 10 o'clock a. m. tomorrow.

TWELFTH DAY.

Senate Chamber,
Austin, Tex., Thursday, Jan. 29, 1903.

Senate met pursuant to adjournment.
Lieutenant Governor Geo. D. Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Decker.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Hanger.	Stafford.
Harbison.	Willacy.
Harper.	Wilson.

Absent.

Henderson.

Absent—Excused.

Davidson of
DeWitt.